

REMARKS

The Official Action of November 23, 2009, has been carefully reviewed. Reconsideration of the application in view of the above amendments and the following remarks is respectfully requested.

No claims have been amended. The claims under consideration are Claims 23-35.

1. Restriction Requirement

Further to the Requirement for Restriction dated September 11, 2009, under 35 U.S.C. 121 and 372, the Examiner required additional restriction among:

Group I, Claim(s) 23-34, drawn to compounds and compositions wherein the central X ring is triazole, and R1 is pyridine, quinoline or isoquinoline, R2 is defined in Claim 1, and R3 is group (A);

Group I, Claim(s) 23-34, drawn to compounds and compositions wherein the central X ring is triazole, and R1 is pyridine, quinoline or isoquinoline, R2 is defined in Claim 1, and R3 is group (B);.

Group III, Claim(s) 23-34, drawn to compounds and compositions, other than those of Group I and Group II;

Group IV, Claim(s) 35, drawn to pharmaceutical methods of using compounds and compositions of Group I;

Group V, Claim(s) 35, drawn to pharmaceutical methods of using compounds and compositions of Group II; and

Group VI, Claim(s) 35, drawn to pharmaceutical methods of using compounds and compositions of Group III.

In response to this requirement, the Applicants hereby elect Group I, Claim(s) 23-34, drawn to compounds and compositions wherein the central X ring is triazole, and R1 is pyridine, quinoline or isoquinoline, R2 is defined in Claim 1, and R3 is group (A), with traverse. Applicants note that an election of species was not required.

The claims reading on this group are Claims 23, 24, 25, 26, 27, 28, and 30-34.

Applicants note that the claimed compounds possess a core structure wherein the central triazole or tetrazole ring bears a phenyl or hetero ring (at R<sup>3</sup>) and a bicyclic hetero ring (at R<sup>1</sup>). The claimed compounds are structurally distinct from the compounds of US 7,417,053 which do not possess this core structure. Accordingly, the compounds of the present invention possess a special technical feature and unity of invention because the core structure in the compounds of the present invention is not found in the compounds of US 7,417,053.

This election is being taken without prejudice to the filing of a divisional application directed to the non-elected subject matter. In accordance with the third sentence of 35 U.S.C. § 121, a patent issuing from the instant application should not be a reference against a divisional application filed before the issuance of such patent.

Applicants respectfully contend that the application is allowable and a favorable response from the Examiner is earnestly solicited.

Respectfully submitted,

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